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II

106TH CONGRESS
1ST SESSION

S. 365

To amend title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for an enhanced matching rate for coverage of additional children under the medicaid program.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1999

Mr. GORTON (for himself and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for an enhanced matching rate for coverage of additional children under the medicaid program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Children's Health Eq-
5 uity Act of 1999".

1 SEC. 2. USE OF STATE CHILDREN'S HEALTH INSURANCE
2 PROGRAM FUNDS FOR ENHANCED MATCH-
3 ING RATE FOR COVERAGE OF ADDITIONAL
4 CHILDREN UNDER THE MEDICAID PROGRAM.

5 (a) IN GENERAL.—Section 1905 of the Social Secu-
6 rity Act (42 U.S.C. 1396d) is amended—

7 (1) in subsection (b), by striking “or subsection
8 (u)(3)” and inserting “, subsection (u)(3), or sub-
9 section (u)(4)(A)”; and

10 (2) in subsection (u) (as added by section
11 4911(a)(2) of the Balanced Budget Act of 1997 and
12 as amended by section 162 of Public Law 105–
13 100)—

14 (A) by redesignating paragraph (4) as
15 paragraph (5); and

16 (B) by inserting after paragraph (3) the
17 following new paragraph:

18 “(4)(A) For purposes of subsection (b), the expendi-
19 tures described in this subparagraph are expenditures for
20 medical assistance for waived low-income children de-
21 scribed in subparagraph (B) but—

22 “(i) only in the case of children residing in a
23 State described in subparagraph (C); and

24 “(ii) only to the extent the number of full-year
25 equivalent waived low-income children enrolled
26 under the State plan under this title for the fiscal

1 year exceeds the number of waived low-income
2 children described in subparagraph (D)(i) for the
3 State for the fiscal year.

4 “(B) For purposes of this paragraph, the term
5 ‘waived low-income child’ means a child whose family in-
6 come exceeds the minimum income level required to be es-
7 tablished for the age of such child under section
8 1902(l)(2) in order for the child to be eligible for medical
9 assistance under this title, but does not exceed the medic-
10 aid applicable income level (as defined in section
11 2110(b)(4) but determined as if ‘June 1, 1997’ were sub-
12 stituted for ‘March 31, 1997’) for that child.

13 “(C) A State described in this subparagraph is a
14 State that—

15 “(i) has under a waiver authorized by the Sec-
16 retary or under section 1902(r)(2) established a
17 medicaid applicable income level (as defined in sec-
18 tion 2110(b)(4) but determined as if ‘June 1, 1997’
19 were substituted for ‘March 31, 1997’) for children
20 under 19 years of age residing in the State that is
21 at or above 200 percent of the poverty line; and

22 “(ii) demonstrates to the satisfaction of the
23 Secretary a commitment to reach and enroll children
24 who are eligible for, but not enrolled under, the
25 State plan through means, such as the following:

1 “(I) Eliminating the assets test for eligi-
2 bility of waived low-income children.

3 “(II) Using shortened and simplified appli-
4 cations for such children.

5 “(III) Allowing applications for such chil-
6 dren to be submitted by mail or through tele-
7 phone.

8 “(IV) Outstationing State eligibility work-
9 ers at sites that are frequented by families with
10 children, including schools, child care centers,
11 churches, centers providing Head Start services,
12 local offices of the special supplemental food
13 program for women, infants and young children
14 (WIC) established under section 17 of the Child
15 Nutrition Act of 1966, community centers, Job
16 Corps centers established under part B of title
17 IV of the Job Training Partnership Act or sub-
18 title C of title I of the Workforce Investment
19 Act of 1998, sites offering the recognized equiv-
20 alent of a secondary school degree, offices of
21 tribal organizations (as defined in section 4(l)
22 of the Indian Self-Determination and Education
23 Assistance Act), and Social Security Adminis-
24 tration field offices.

1 “(V) Using presumptive eligibility for
2 waivered low-income children.

3 “(VI) Collaborating with public and private
4 entities to conduct outreach campaigns to enroll
5 such children.

6 “(D)(i) For purposes of subparagraph (A)(ii), the
7 number of waived low-income children for a State de-
8 scribed in this clause for—

9 “(I) fiscal year 1998, is equal to the number of
10 full-year equivalent waived low-income children en-
11 rolled under the State plan under this title for fiscal
12 year 1997; and

13 “(II) fiscal year 1999 or a succeeding fiscal
14 year, is equal to the number of waived low-income
15 children determined under this clause for the preced-
16 ing fiscal year increased by the number of percent-
17 age points determined under clause (ii) for the State
18 for the fiscal year involved.

19 “(ii) The number of percentage points determined
20 under this clause for a State for a fiscal year is equal to
21 the number of percentage points by which—

22 “(I) the arithmetic average of the total number
23 of children in the State set forth in the 3 most re-
24 cent March supplements to the Current Population

1 Survey of the Bureau of the Census before the be-
2 ginning of the fiscal year; exceeds

3 “(II) the arithmetic average of such total num-
4 ber set forth in the second, third, and fourth most
5 recent March supplements to such Survey before the
6 beginning of the fiscal year.

7 “(E) For purposes of section 2104(d) (regarding the
8 reduction of an allotment under title XXI) the amount de-
9 termined under paragraph (2) of that section shall, with
10 respect to expenditures described in subparagraph (A),
11 only take into account the amount by which—

12 “(i) the payments made to a State for such ex-
13 penditures for a fiscal year on the basis of an en-
14 hanced FMAP under the fourth sentence of sub-
15 section (b); exceed

16 “(ii) the amount of payments that would have
17 been made for the expenditures if the enhanced
18 FMAP did not apply.

19 “(F) Each State shall submit to the Secretary such
20 information, at such time and in such manner, as the Sec-
21 retary determines is necessary to ensure that the require-
22 ments of this paragraph are satisfied. The Secretary shall
23 ensure that information is provided under this subsection
24 in a manner that is consistent with other reporting re-
25 quirements for information required to be submitted by

1 a State under this title and title XXI, and avoids dupli-
2 cation of reporting requirements.

3 “(G) The Secretary shall regularly examine the pay-
4 ments made to a State for the expenditures described in
5 subparagraph (A) to confirm that the payments are attrib-
6 utable to expenditures described in such subparagraph.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 1902(a)(10)(A)(ii)(XIV) of the So-
9 cial Security Act (42 U.S.C.
10 1396a(a)(10)(A)(ii)(XIV)) is amended by striking
11 “1905(u)(2)(C)” and inserting “1905(u)(2)(B)”.

12 (2) Section 2104(d)(2) of the Social Security
13 Act (42 U.S.C. 1397dd(d)(2)) is amended by insert-
14 ing “subject to section 1905(u)(4)(E),” after “(2)”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall be effective as if included in the enact-
17 ment of section 4911 of the Balanced Budget Act of 1997
18 (Public Law 105–33; 111 Stat. 570).

19 **SEC. 3. EXPANSION OF PRESUMPTIVE ELIGIBILITY OPTION**
20 **FOR CHILDREN UNDER THE MEDICAID PRO-**
21 **GRAM.**

22 (a) IN GENERAL.—Section 1920A(b)(3)(A)(i) of the
23 Social Security Act (42 U.S.C. 1396r–1a(b)(3)(A)(i)) is
24 amended—



1 (1) by striking “or (II)” and inserting “, (II)”;
2 and

3 (2) by inserting before the semicolon “, eligi-
4 bility for assistance under the State plan under part
5 A of title IV, eligibility of a child to receive medical
6 assistance under the State plan under this title or
7 title XXI, (III) is a staff member of an elementary
8 school or secondary school, as such terms are de-
9 fined in section 14101 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C. 8801), a
11 child care resource and referral center, or an agency
12 administering a State plan under part D of title IV,
13 or (IV) is so designated by the State”.

14 (b) CONFORMING AMENDMENTS.—Section 1920A of
15 such Act (42 U.S.C. 1396r–1a) is amended—

16 (1) in subsection (b)(3)(A)(ii), by striking
17 “paragraph (1)(A)” and inserting “paragraph
18 (2)(A)”;

19 (2) in subsection (c)(2), in the matter preceding
20 subparagraph (A), by striking “subsection
21 (b)(1)(A)” and inserting “subsection (b)(2)(A)”.

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